

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

PHILLIP MUMFORD, SR., etc.,)	
)	
Plaintiff,)	
)	
v.)	No. 10 C 7975
)	
DIRECTSAT USA, LLC,)	
)	
Defendant.)	

MEMORANDUM ORDER

This action has just been removed from the Circuit Court of Cook County to this District Court through the invocation of diversity-of-citizenship jurisdiction. This memorandum order is issued sua sponte because the Notice of Removal ("Notice") has left a gap in that respect.

With removing defendant DirectSat USA, LLC ("DirectSat") being a limited liability company, Notice ¶4 has properly peeled off the layers of the limited-liability-company onion to focus on the ultimate entity whose citizenship is relevant for diversity purposes: Unitek Acquisition, Inc. ("Unitek").¹ But somewhat inexplicably in light of the care that DirectSat's counsel has exhibited in the peeling-off process, all that Notice ¶4 says about Unitek is that it is "a corporation organized under the

¹ Notice ¶4 identifies Unitek USA, LLC (the limited liability company that is the sole member of DirectSat) as "a wholly owned subsidiary" of Unitek. That is not precisely the same as saying that Unitek is the sole member of that intermediate limited liability company, so the amendment to the Notice that is needed to close the gap referred to in this memorandum order should make that plain.

laws of the State of Delaware.” That of course is incomplete, because 28 U.S.C. §1332(c)(1) also requires the identification of Unitek’s principal place of business.

Because it would seem likely that Unitek’s principal place of business is not sited in Illinois, this Court will not apply any of the directives from our Court of Appeals that call for dismissal where jurisdiction is not properly alleged. Instead this Court is contemporaneously setting an initial status hearing on the assumption that DirectSat’s counsel can cure the indicated omission by that hearing date.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style with a large initial 'M'.

Milton I. Shadur
Senior United States District Judge

Date: December 20, 2010